

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 1131 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI
and
Hon'ble MR.JUSTICE H.H.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

KARIYABHAI CHHIDIYABHAI VASAVA

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 1131 of 1994
MR G RAMAKRISHNAN for the appellant
Ms. Hansa Punani, APP for Respondent No. 1
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CORAM : MR.JUSTICE M.H.KADRI
and
MR.JUSTICE H.H.MEHTA

Date of decision: 23/07/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE M.H.KADRI)

1. The appellant-original accused, by filing this appeal, had challenged the judgment and order dated October 29, 1994, passed by the learned Additional Sessions Judge, Bharuch, in Sessions Case No.138 of 1993, by which, he was convicted under Sections 302 and 304 of the Indian Penal Code and sentenced to undergo R.I. for

life for the offence punishable under Section 302 of the Indian Penal Code and R.I. for ten years for the offence punishable under Section 307 of the Indian Penal Code. Both the sentences were ordered to run concurrently.

2. During the course of hearing of this appeal, the learned Additional Public Prosecutor, Ms. Hansa Punani, has produced letter dated July 22, 2003 of the Deputy Superintendent, Central Prison, Vadodara, addressed to the Registrar, Gujarat High Court, which indicates that the appellant was admitted in the S.S.G. Hospital, Vadodara, and, during the treatment, he had expired on December 20, 1995. The letter dated July 22, 2003 of the Deputy Superintendent, Central Prison, Vadodara, is ordered to be taken on record.

3. As the appellant had expired, in view of the provisions of sub-section (2) of Section 394 of the Code of Criminal Procedure, where the appeal is against a conviction and sentence of death or of imprisonment and the appellant dies during the pendency of the appeal, and if any of his near relatives has not applied within thirty days for leave to continue the appeal, the appeal finally abates.

4. In the result, the appeal is disposed of as having finally abated on the death of the appellant.

(M.H. Kadri, J.)

(H.H. Mehta, J.)